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W.P.Nos.13767, 13772 and 13774 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2024

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MR.JUSTICE **K.RAJASEKAR**

W.P.Nos.13767, 13772 and 13774 of 2022
and
W.M.P. Nos.13062 and 13063 of 2022 and 38698 of 2024
in W.P.No.13767 of 2022

1.MB Power (Madhya Pradesh) Limited,
Registered Office
Village Laharpur,
P.O.Jaithari, Anuppur,
Madhya Pradesh – 484 330

Also at:
Corporate Office
239, Okhla Industrial Estate Phase III,
New Delhi – 110 020
rep. By its Authorised Signatory
Mr.Manesh Kumar

2.Tagore Yaragorla

... Petitioners in
all WPs

vs

1.Union of India
through its Secretary,
Ministry of Power,
Shram Shakti Bhavan, Rafi Marg,
New Delhi – 110 001.

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2.PTC India Limited

Having its Office at:
2nd Floor, NBCC Tower 15,
Bhikaji Cama Place,
New Delhi – 110 066.

3.Central Transmissions Utility of
India Limited

Having its Office at:
Plot No.2, Sector-29 Gurgaon,
Haryana – 122 001.

4.Tamil Nadu Generation and
Distribution Corporation Limited,

Having its Office at:
144, Anna Salai, NPKRR Maaligai,
Chennai – 600 002.

5.Torrent Power Limited

having its Registered Office at
"Samanvay", 600, Tapovan,
Ambawadi,
Ahmedabad – 380 015
through Vice President – Commercial

6.Central Electricity Regulatory Commission,
3rd and 4th Floor, Chanderlok Building,
36, Janpath, New Delhi – 110 001.

... Respondents in
all WPs

(R6 impleaded vide order dated 27.06.2022
made in W.M.P. Nos.15080, 15087 and
15091 of 2022 in W.P.Nos.13767, 13772
and 13774 of 2022 respectively)



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Prayer in W.P.No.13767 of 2022: Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Declaration for declaring and striking off Regulation 24 of the Central Regulatory Commission (Grant of Connectivity, Long-Term Access and Medium-Term Open Access in inter-state Transmission and related matters) Regulation, 2009 ("Regulation") as discriminatory, arbitrary, unreasonable and violative of Articles 14 and 19(1)(g) of the Constitution of India.

Prayer in W.P.No.13772 of 2022: Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Declaration to declare the action of Respondent Nos.2 and 3 in refusing to relinquish the Medium-Term Open Access granted to hold the Petitioner No.1 hostage in spite of the underlying Power Purchase Agreement dated 28.10.2021 having lapsed as illegal, arbitrary, unreasonable and in violation of principles of natural justice.

Prayer in W.P.No.13774 of 2022: Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Declaration to declare that the Petitioner No.1 being the generator whose power will be evacuated through the open access granted by Respondent No.3 to Respondent No.2 as the procurer, is entitled to relinquish the Medium-Term Open Access granted.



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For Petitioners : Mr.P.V.Balasubramanian,
Senior Counsel
for Mr.Arun C.Mohan
and Mr.S.Karthik
in all WPs

For Respondents : No appearance for R1
in all WPs
Mr.Ravi Kishore
for R2 in all WPs
Ms.Suparna Srivastava
for R3 in all WPs
Mr.P.Wilson,
Senior Counsel
for Mr.D.R.Arun Kumar,
Standing Counsel
for R4 in all WPs
Ms.Deepa Chawan
and Mr.S.Sreenath
for R5 in all WPs
Mr.T.Mohan,
Senior Counsel
for Ms.Nivedita S.Menon
for R6 in all WPs

COMMON ORDER

[Order of the Court was made by **M.SUNDAR, J.,**]

When the captioned matters were taken up,
Mr.P.V.Balasubramanian, learned senior counsel instructed by counsel



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on record for writ petitioners in all three captioned 'Writ Petitions' (hereinafter 'WPs' in plural and 'WP' in singular for the sake of convenience and clarity) is before us.

2. For Union of India, there is no representation either in physical Court or on VC (video conferencing) platform. Mr.Ravi Kishore, learned counsel on record for R2 (PTC India Limited) is before us in physical Court. Ms.Suparna Srivastava, learned counsel on record for R3 (Central Transmission Utility of India Limited) is before us on VC (video conferencing) platform, Mr.P.Wilson, learned senior counsel instructed by Mr.D.R.Arun Kumar, learned standing counsel for R4 (TANGEDCO) is before us on VC (video conferencing) platform and Mr.D.R.Arun Kumar, learned standing counsel is before us in physical Court. Ms.Deepa Chawan, learned counsel representing Mr.S.Sreenath, learned counsel for R5 (Torrent Power Limited) is before us on VC (video conferencing) platform and Mr.S.Sreenath is before us in physical Court. Mr.T.Mohan, learned senior counsel instructed by Ms.Nivedita S.Menon, learned counsel on record for R6 (Central Electricity Regulatory Commission) is before us in physical Court. To be noted, this is a hybrid hearing, which is a regular/routine/daily



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feature in this Court.

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3. Mr.P.V.Balasubramanian, learned senior counsel, on instructions submits that the counsel on record for writ petitioners is under instructions from the writ petitioners to withdraw all three WPs on the ground that the same have become infructuous. Learned counsel on record Mr.S.Karthik has made endorsements in the case file and scanned reproduction of the same are as follows:

The counsel for Petitioners
may be permitted to withdraw
the present writ petition &
W.M.P. Nos. 13062/22 & 13063/22
as the writ petition has become
infructuous on account of new
connectivity regulations, 2022.

S. Karthik
21/2/2024 N
S. Karthik A
Counsel for Petitioners IT



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The counsel for writ petitioners
based on written instructions
maybe permitted to withdraw
the writ petition.

S.P.K.
02/12/2024
Counsel for petitioners.

The counsel for writ petitioners
under instructions
maybe permitted to withdraw
the writ petition, as follows

S.P.K.
02/12/2024
S. Kauti'k
Counsel for Petitioners



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4. To be noted, there is no disputation or disagreement as between counsel before us that no interim orders in any of the captioned WPs are operating as of today.

5. In the light of the narrative thus far, captioned three WPs and captioned Writ Miscellaneous Petitions (WMPs) thereat are disposed of as withdrawn. There shall be no order as to costs.

(M.S.,J.) (K.R.S.,J.)
02.12.2024

Index : Yes / No
Neutral Citation : Yes / No
mmi

To

1.The Secretary to Government,
Ministry of Power,
Shram Shakti Bhavan, Rafi Marg,
New Delhi – 110 001.

2.Central Transmissions Utility of
India Limited
Having its Office at:
Plot No.2, Sector-29 Gurgaon,
Haryana – 122 001.

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3. Tamil Nadu Generation and
Distribution Corporation Limited,
Having its Office at:
144, Anna Salai, NPKRR Maaligai,
Chennai – 600 002.

4. Central Electricity Regulatory Commission,
3rd and 4th Floor, Chanderlok Building,
36, Janpath, New Delhi – 110 001.



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**M.SUNDAR, J.,
and
K.RAJASEKAR, J.,**

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02.12.2024

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